

R E M A R K S

Claims:

Reconsideration of the rejections is respectfully requested.

The status of the claims is as follows:

Amended:	43, 46
Pending:	43-74

The number of total claims and of independent claims remains the same or less than the amount for which fees were previously paid

The claims have been amended to more clearly define the invention. Support for the amendments is either apparent or is as described below. Support for the amendment to claim 43 at (2ⁱⁱⁱ)(a) can be found, for example, at page 8, lines 25-28. Support for the amendment in claim 46 can be found, for example, in claim 43 (2ⁱⁱⁱ)(b) and (c), [this subject matter is also found in original claim 1 at (2ⁱⁱⁱ)(c) and (d)]. No new matter is added.

Claim Rejections - 35 U.S.C. §112, First Paragraph

Claims 43, 46-56, 59-65 and 68-74 stand rejected under 35 U.S.C. §112, first paragraph based on assertion that the claims contained subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. In particular, the Examiner objected to the recitation of the recitation where “one of the foregoing fused to phenyl” in claim 43.

Without conceding the correctness of the rejection, Applicants have amended claim 43 so that the disputed recitation is now absent in the amended claim. Specifically, the claim has been amended so that the definition of heteroaryl includes benzoazolyl, benzodiazolyl, benzothiazolyl or benzoxazolyl. Support for these recitations can be found at page 8, lines 25-28. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph are respectfully requested.

Claim Rejections - 35 U.S.C. §112, Second Paragraph

Claims 43, 46-56, 59-65 and 68-74 stand rejected under 35 U.S.C. §112, second paragraph for alleging being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention.

In particular, the Examiner noted the typo in claim 43 where the word “or” was repeated. Applicants have amended the claim to delete the erroneous duplication. Claim 43 has also been amended at section (4) to secure consistency with the description of R^{xa} at section (2ⁱⁱⁱ).

Claims 46 and 47 were objected to for the definition of R³ where either phenyl within the definition of R³ can be substituted with “the same substituents defined above.” Applicants have amended claim 46 to more particularly define the substituents of the phenyls of R³. Support for the amendment in claim 46 can be found, for example, in claim 43 (2ⁱⁱⁱ)(b) and (c), [this subject matter is also found in original claim 1 at (2ⁱⁱⁱ)(c) and (d)].

Claims 46 and 47 were objected to as vague and indefinite because the Examiner could not determine what was meant by the definition (D) where “at least two aromatic ring structures that together include from 15 to 20 ring atoms.”

Applicants note that the specification describes examples of compounds at page 8 lines 13-14. These include A45, A53, A56-57, A60-65, A73-74, A78-81, A86-A89, A93-96, A99, A100, A102, A105-106, A108-109, A116, A122-123 and A176. It is noted that the specific compounds exemplified are carbocyclic analogues, but it is submitted that the skilled artisan would readily recognize the genus sought to be claimed would also include heteroaryl-containing compounds.

Accordingly, in light of the above, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph are respectfully requested.

In light of these amendments and remarks, it is respectfully submitted that the Amendment should be entered, the rejections should be withdrawn, and that the application is in condition for allowance.²

Respectfully submitted,



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² **Fee Deficiency**

If any additional extension is required, please consider this paper a petition for such an extension; Any fee for the extension required for consideration of this paper but not enumerated above or in a transmittal or other associated paper can be charged to Account No. 04-0480.

AND/OR

If any additional fee is required for consideration of this paper, please charge Account No. 04-0480.